United Nations A/61/807

General Assembly

Distr.: General
19 March 2007

Original: English

Sixty-first session
Agenda item 67
Promotion and protection of human rights

Letter dated 15 March 2007 from the Permanent Representative of Uzbekistan addressed to the Secretary-General

I have the honour to bring to your attention the comments of the Ministry of Foreign Affairs of the Republic of Uzbekistan on the content of the report of the International Helsinki Federation for Human Rights concerning the situation of human rights in Uzbekistan (see annex).

The Uzbek side stresses that the report prepared by the International Helsinki Federation for Human Rights on Uzbekistan does not correspond to the reality and maintains false and biased claims with regard to the situation of human rights in the country.

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly under agenda item 67.

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

07-27483 (E) 300307 020407

Annex to the letter dated 15 March 2007 from the Permanent Representative of Uzbekistan addressed to the Secretary-General

[Original: Russian]

Comments of the Ministry of Foreign Affairs of the Republic of Uzbekistan on the report of the International Helsinki Federation for Human Rights (IHF) entitled "The Decimation of the Human Rights Community in Uzbekistan"

Tashkent, 2 March 2007

Unfounded allegations made by IHF	*Comments of Uzbekistan*
1. This report is primarily based on information obtained during a recent mission to Uzbekistan by representatives of IHF.	IHF has not made any requests recently to arrange a visit to Uzbekistan to learn about the country's human rights situation. No representatives of IHF have visited Uzbekistan in an official capacity. The report is based on information from dubious and unverified sources. It is biased and deliberately distorts the real situation.
2. Following the May 2005 events in Andijan, when hundreds of civilians protesting against Government policies were killed through the indiscriminate and disproportionate use of force by law enforcement officials, the Uzbek authorities launched an unprecedented attack on human rights defenders, political activists, journalists and other opponents of the regime. This crackdown has had a devastating impact on the country's civil society, as numerous NGOs and media outlets have been forced to close down, many prominent activists and journalists have fled abroad and others have abandoned their activities because of pressure and intimidation.	The allegations in this paragraph of the report are unfounded. During the events in Andijan, Uzbekistan underwent attacks by terrorists during which several groups of armed militants, numbering more than 100, mounted an assault on a military unit and a police checkpoint, seizing 334 firearms, freeing more than 500 prisoners from the city jail and issuing them with weapons, then attacking the local government building and other official facilities, taking 70 Government officials, law enforcement officers and civilians hostage and organizing attempts to seize power by armed force in Andijan region and to destabilize the situation in Uzbekistan. These events led to the death of 187 individuals, including 94 terrorists, 60 civilians, 11 military servicemen and 20 law enforcement officers. In all, 287 individuals were wounded, including 91 civilians, 49 law enforcement officers and 59 military servicemen. Any country in the world, subjected to attacks of this sort, accompanied by the seizure of local government buildings and the taking of hostages, who were first tortured and then savagely

beaten, would have the right to take appropriate response measures. Uzbekistan took the decisions which it had to take. Furthermore, it is now clear that Uzbekistan succeeded in nipping in the bud a campaign of aggression by terrorists who had their sights set not just on the Ferghana valley, but on the whole of Central Asia.

The investigation, which was carried out in full compliance with the requirements of Uzbek law and international rules, showed that the terrorist acts in Andijan had been meticulously planned and orchestrated by destructive forces outside the country, with a view to overthrowing the constitutional order in Uzbekistan.

In all, during the investigation, 11,916 witnesses, victims and civilian plaintiffs were questioned, 3,664 confrontations of witnesses and suspects were organized, 2,827 inspections of the scene of events and the material evidence were conducted and recorded on film and in photographs, 326 statement verifications were carried out at the scene of events and 3,217 forensic studies of various kinds were ordered and conducted, in the following specialized areas: medicine (584), ballistics (589), criminology (363), biology (667), chemistry (224), commodity science (162), religion (64) and other fields (564). A total of 9,486 separate pieces of material and written evidence were discovered and seized and more than 4,500 decisions handed down on the conduct of a range of investigative actions pursuant to the Code of Criminal Procedure. The materials relating to the investigation into the Andijan events fill 2,823 volumes.

A public trial was held from 20 September to 14 November 2005 of 15 persons who had been active in organizing and carrying out the events in Andijan. Representatives of the diplomatic corps and international organizations, including the United Nations, the Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), the Shanghai Cooperation

Organization and international human rights bodies had free access to the courtroom.

No restrictions of any kind were placed by the judicial authorities on people wishing to observe the proceedings, which were conducted in strict compliance with Uzbek law.

During the trial, observers had the opportunity to familiarize themselves with all the investigation materials, statements by witnesses, victims and civil plaintiffs and with the entire body of evidence (audio and video materials, findings of numerous forensic studies, incident scene reports, confiscated weapons, some seized during raids on paramilitary facilities and others brought in by terrorists from outside, etc.).

The trial was conducted in full compliance with the law, and the accused were granted all defence rights and the opportunity to appeal against decisions taken relating to them.

The measures taken by the security forces to prevent terrorist acts were reactive in nature and were applied within the bounds of the concepts of "extreme necessity" and "necessary defence", which are universally accepted under criminal law, in full compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted at the eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990 and the Code of Conduct for Law Enforcement Officials adopted under General Assembly resolution 34/169 of 17 December 1979.

During the events in Andijan, firearms were used solely to neutralize acts of violence by the militants, to counter their armed attacks, to contain any negative impact and to eliminate the militants.

The actions of the Government of Uzbekistan were in compliance with existing international law, in particular Article 51 of the Charter of the United Nations.

At the request of the European Union, a delegation of experts from the Union visited Uzbekistan from 11 to 15 December 2006

Unfounded allegations made by IHF

Comments of Uzbekistan

to discuss the report on the findings of the investigation into the terrorist acts in Andijan which had been prepared by the competent Uzbek authorities. All the necessary conditions were created for productive and effective work by the experts. All European Union wishes were taken into account when the programme for the visit was drawn up. The package of information and audio and visual material provided to the experts presented a full picture of the tragic events from beginning to end, including the taking hostage of civilians and law enforcement officers and their torture and murder by the terrorists.

Allegations that the Uzbek authorities have been suppressing the activities of human rights defenders, journalists and witnesses to the murders in Andijan with the aim of reinforcing the official version of events are baseless and unfounded.

In Uzbekistan, as in all democratic countries, everyone has the right to freedom and personal safety, as set out in national law. No one may be arrested or detained except on the basis of the law.

Any person accused of a crime is considered innocent until lawfully proven guilty in an open and fair trial that affords the accused every opportunity for defence.

Following the tragic events in Andijan, detective work was carried out to identify the culprits involved in the commission of criminal offences and to elucidate all the circumstances surrounding the events.

All these actions were conducted in accordance with the law and in the interests of national security, in a manner comparable, for example, to the measures taken by the United States authorities after the events of 11 September 2001 or by the British authorities after the explosions in London in July 2005.

In Uzbekistan, the activities of NGOs are supported and guaranteed by the State. A sound legal basis for their activities has been established. The Uzbek Constitution enshrines the guarantees extended by the State to NGOs, which act as a unique bridge between the State and society.

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	Currently there are over 5,000 NGOs, including international NGOs, operating in Uzbekistan. Among these are the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, and others. Uzbekistan considers that civil-society institutions should serve to reinforce the ideas that have historically been characteristic of the Uzbek people, such as tolerance and harmony among peoples, religions and cultures. In Uzbekistan, however, as in most countries, the rule of law is paramount. This applies also to NGOs, if they commit egregious or deliberate breaches of their own statutes or the rules governing their activities in the territory of the Republic of Uzbekistan. When the constituent and other documents of a non-governmental organization run counter to the requirements of Uzbek law, in particular the Non-Governmental Non-Profit Organizations Act, the Voluntary Associations Act, the Political Parties Act, the Public Foundations Act or the regulations governing applications for registration of the statutes of voluntary associations operating in the territory of the Republic of Uzbekistan, that organization may be refused registration. An appeal against such a decision may be duly lodged before any of a number of courts.
3. Those few committed and courageous individuals who continue their efforts to hold the Uzbek authorities accountable for their international human rights obligations.	Mr. U. Kattabekov, Mr. N. Kholdzhigitov, Mr. S. Zainabitdinov, Mr. N. Isakov, Mr. A. Khudainazarov and other individuals referred to in the report as human rights defenders are actually criminals who have been prosecuted for specific criminal offences in accordance with the Code of Criminal Procedure. The prosecution of these individuals has absolutely nothing to do with their civic activities. All the cases considered by the courts before and since the events in Andijan have been brought on the grounds of specific violations of national law. It is

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	well known that, under generally accepted standards, no one is immune from legal process in such cases.
4. Human rights defenders are routinely held under surveillance, with their movements and phone conversations being closely monitored by police and security services. They are also often prevented from moving around freely inside of the country and banned from travelling abroad.	The allegations made in this paragraph of the report are unfounded and are not borne out by the facts. Uzbekistan strictly observes article 27 of the Uzbek Constitution, which reads: "Everyone has the right to protection from attacks on his or her honour and dignity and interference in his or her private life and to the inviolability of his or her home. No one has the right to enter a home, conduct a search or inspection or violate the privacy of correspondence or telephone communications, except in the circumstances and under the procedure established by law". Uzbekistan also strictly observes article 28: "Citizens of the Republic of Uzbekistan have the right to freedom of movement throughout the territory of Uzbekistan and the right to enter and leave the Republic of Uzbekistan, except where there are restrictions established by law".
5. The authorities have sought to discredit and mobilize public sentiment against human rights defenders and their families by orchestrating media defamation campaigns and shows of alleged "spontaneous public outrage" and by accusing them of "immoral" behaviour, such as sexual harassment or organized prostitution.	The allegation made by IHF is untrue. The Uzbek State authorities have received no communications or complaints from citizens of any of the actions against them referred to in the report. It should be mentioned that, in the event of any kind of harassment, every citizen has the right to protection from attacks on his or her honour and dignity, in accordance with article 27 of the Constitution.
6. A considerable number of human rights defenders, political opposition activists and independent journalists have been convicted on apparently politically motivated charges in the aftermath of the Andijan events. The charges brought against them have ranged from fraud and blackmail to "anti-constitutional" and "extremist" activities, and there are serious concerns that they have often been ill-treated and tortured in prison in an attempt to force them to confess. While some of those imprisoned were released under a general amnesty introduced in late 2006, many others continue to serve their sentences in harsh conditions and are frequently subjected to disciplinary punishments, solitary confinement, restrictions on their communication with the outside world and physical abuse.	This allegation is at variance with reality. All the cases considered by the courts before and since the events in Andijan have been brought on the grounds of specific violations of national law, regardless of the activities or position of the accused. Under generally accepted standards, no one who has committed a criminal offence is immune from legal process. The allegations made in the report show that IHF gives preference a priori to rumours and speculation from certain politically biased sources and fails to make use of information concerning the public condemnation of torture in all its forms and the measures taken by the Government of Uzbekistan to combat

Unfounded allegations made by IHF	*Comments of Uzbekistan*

torture that has repeatedly been circulated as official documents of the United Nations.

The Government of Uzbekistan is using all available resources and making every possible effort to take consistent and tough action against all human rights violations, including torture.

In 2002, Uzbekistan — the first of the countries of the former Soviet Union to take such a step — invited the United Nations Special Rapporteur on torture, Theo van Boven, to visit the country and see the situation for himself. In March 2004, the Uzbek Government adopted its plan for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which also made provision for implementation of the recommendations of the Special Rapporteur. The relevant information on implementation of the plan was transmitted in good time to the United Nations Commission on Human Rights and, more recently, to the Human Rights Council.

Following the Special Rapporteur's visit, torture was condemned by all branches of Government in the Republic of Uzbekistan: the legislature, the executive and the judiciary. The Plenum of the Supreme Court of the Republic of Uzbekistan has taken up the issue twice, in 2003 and 2004, and condemned the use of unauthorized methods of investigation.

In 2003, appropriate amendments were made to article 235 of the Criminal Code, on the use of torture and other cruel, inhuman or degrading treatment, which is punishable by imprisonment for a term of three to eight years. The term "torture" is defined under national law in accordance with article 1 of the Convention against Torture.

In accordance with decision No. 12 of the Plenum of the Supreme Court of 24 September 2004, evidence acquired through the use of torture or other unlawful coercive acts is inadmissible.

On 17 February 2005 the Procurator-General issued order No. 40 on the radical improvement of procuratorial oversight of respect for the rights and freedoms of citizens during criminal

Unfounded allegations made by IHF	*Comments of Uzbekistan*

proceedings, which requires procurators to ensure strict compliance with the provisions of the Convention against Torture and national law in this area.

The procuratorial authorities are responsible for verifying reports of the use of torture and other unauthorized methods and taking the necessary response measures accordingly.

According to court statistics for 2005 and 2006, 19 persons were convicted for the use of torture, punished accordingly and ordered to pay compensation for material damage resulting from the crime.

Furthermore, since August 2005 the leadership of the National Security Council under the President of the Republic of Uzbekistan has been taking countrywide measures to prevent and suppress unlawful actions and abuse of official position by Uzbek law enforcement officials with respect to convicts and detainees and to ensure that such officials comply fully with criminal procedures.

Moreover, it should be noted that, in 2006 alone, the legislative chamber of Parliament held three major events in conjunction with the United Nations Development Programme (UNDP) relating to the Convention against Torture. In January 2006, Parliament conducted an exercise to check compliance with the Convention against Torture by law enforcement agencies and penal institutions in Tashkent and the Tashkent region.

In June 2006, a three-day seminar on incorporation of the Convention against Torture into the national law of the Republic of Uzbekistan was held in conjunction with UNDP, with the participation of members of Parliament, law enforcement officials, lawyers, researchers and academics.

In December 2006, the Committee on International Affairs and Interparliamentary Relations of the legislative chamber of the Oliy Majlis (Parliament) of the Republic of Uzbekistan organized a round table with UNDP on improving legislation for the

implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

There are no grounds for concern about the fate of Uzbek citizens serving sentences for the commission of specific criminal offences, since their physical and moral integrity are fully protected by the State. Their rights are fully upheld, in accordance with the provisions of Uzbek law and with the fundamental international human rights instruments, including the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to both of which Uzbekistan is a party.

No one is persecuted for his or her religious beliefs in Uzbekistan. Under Uzbek law, everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his or her religion or belief, and freedom, either alone or in community with others, to manifest his or her religion or belief.

Conditions of detention for those held in remand units and for convicted persons in prisons meet the requirements of the Correctional Code of Uzbekistan and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

The law guarantees persons sentenced to imprisonment the right to personal safety (article 11 of the Correctional Code). Furthermore, the regulations of the Central Corrections Office of the Ministry of Internal Affairs of the Republic of Uzbekistan do not provide for solitary confinement.

Uzbekistan is taking an entirely new approach to its judicial and legal system.

In the area of penal procedure, the following measures have been introduced in order to ensure the complete independence of the courts:

- Courts now specialize in criminal, civil or financial cases;

Unfounded allegations made by IHF	*Comments of Uzbekistan*

- Appeal and cassation procedures have been introduced;
- The time limits for investigation and for the detention of persons in custody have been reduced by law and strict time limits have been established for the consideration of cases by the courts;
- A democratic legal mechanism for selecting and appointing judicial staff has been established;
- A Department for the Enforcement of Court Decisions is in operation, relieving the courts of functions that do not properly belong to them;
- The adversarial principle — the equality of rights between the prosecutor and the defence lawyer — is implemented in legal proceedings;
- In accordance with a presidential decree, legal mechanisms are being developed for the transfer of authority to issue arrest warrants (habeas corpus) from the procurator's office to the courts and will come into force on 1 January 2008;
- In accordance with a presidential decree, the necessary organizational and legal conditions are being established for the full abolition of the death penalty as a form of criminal punishment as of 1 January 2008.

In the area of criminal and prison law, the classification of crimes has been entirely changed, and the category of less serious offences that do not constitute a threat to society has been substantially enlarged. As a result of this approach, in the past two and a half years alone some 5,000 people who had committed offences not constituting a major threat to society were not deprived of their liberty, and they paid material damages amounting to more than 11 billion sum.

Reconciliation as a means of administering justice has also been incorporated into legislation. The use of reconciliation has made it possible to exempt more than 40,000 people from criminal liability. More than 7,000 persons who have paid material damages amounting to more than 20,650,000,000 sum have been given non-custodial sentences.

In 2005 the number of prison sentences handed down fell by almost half in comparison with 2000.

The number of provisions for parole has been increased.

Since 1997, acts of amnesty have been regularly applied to accused and convicted persons, resulting in the release of more than 200,000 people to date.

Owing to the liberalization of criminal law, there has been a significant reduction over the past four years in the number of people serving sentences in prisons, and, in comparison with many countries in the Commonwealth of Independent States (CIS), the number of prisoners per capita has fallen by a factor of two to three.

Today, with a total of 39,000 prisoners, Uzbekistan has the smallest number of prisoners per capita among the CIS countries. In other words, the number of prisoners per 100,000 people is 158. For the purposes of comparison, the figures in the Russian Federation is 607 per 100,000 people; in Turkmenistan, 489; in Belarus, 426; in Ukraine, 360; and in Kazakhstan, 340.

The liberalization of criminal law has also affected the prison system, which is now open to international and national non-governmental organizations. Its institutions have been visited several times by delegates from the European Union, the International Committee of the Red Cross (ICRC) and the embassies of the United States of America, France, Germany, the United Kingdom, Italy, the Netherlands, the Russian Federation, the Islamic Republic of Iran, Turkey and other countries and reporters from foreign media outlets, including BBC Four, Agence France-Presse, the Associated Press, Reuters and others.

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	The long-standing cooperation between ICRC and Uzbekistan testifies to the country's openness to international cooperation and its commitment to democratic values. During the period 2001-2004, ICRC representatives made 90 visits to places of detention in Uzbekistan, thereby covering virtually all such institutions in the country. The main goal of these visits was to find out about the treatment of convicts and their conditions of detention and to identify any cases of torture or other degrading treatment or punishment. The practice of independent investigation of complaints and other communications from members of the public on the use of unlawful treatment is gradually being incorporated into criminal procedure. Specifically, during the period 2004-2005, three independent investigations involving foreign experts were conducted in to deaths that generated wide public interest: the Shelkovenko case (June 2004), the Arnasai case (August 2004) and the Umarov case (January 2005). In all three cases, certain human rights organizations, international ones among them, groundlessly accused the Uzbek law enforcement agencies of responsibility for the deaths of individuals in detention and "systematic use of torture". The results of the investigations showed that the accusations were completely baseless and unsubstantiated. From this it can be concluded that such organizations frequently make use of unreliable information and that their activities, in the majority of cases, are aimed at deliberately discrediting the human rights policy of the Government of Uzbekistan.
7. The Soviet-era technique of forcibly detaining dissidents in psychiatric hospitals has been used repeatedly against human rights defenders and political activists. Women activists are particularly vulnerable to becoming victims of this form of pressure.	This allegation by IHF is unfounded. Under article 25 of the Constitution of the Republic of Uzbekistan, "everyone has the right to freedom and personal safety. No one may be arrested or detained except on the basis of the law". Under national law, an individual suffering from mental illness may not be prosecuted in a criminal case. On the basis of a

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	forensic psychiatric assessment and articles 265 and 266 of the Code of Criminal Procedure of the Republic of Uzbekistan, the courts may decide to apply to such persons coercive measures of a medical nature.
8. Relatives of human rights defenders have also been targeted in an attempt to put pressure on human rights activists to stop speaking out about human rights violations. They have, inter alia, been threatened, dismissed from their jobs, beaten, arrested, and prosecuted and imprisoned on fabricated criminal charges.	This allegation by IHF is unfounded. The Uzbek law enforcement agencies and judicial authorities have not received any communications or complaints from citizens of Uzbekistan regarding persecution, beatings, unlawful accusations or arrests, arbitrary detention, dismissal from jobs, etc. The Court Appeals (Acts and Decisions Violating Citizens' Rights and Freedoms) Act establishes guarantees of the protection of the rights of the individual in the event of unlawful acts by executive authorities. In the light of the Vienna Declaration recommendations and the Paris Principles, completely new bodies, known as national institutions for human rights protection, have been established within the legislative and executive branches in Uzbekistan. These include the Parliamentary Ombudsman, the National human rights centre and the Institute for Monitoring Current Legislation. The Ombudsman considers complaints about acts and omissions by organizations or officials which violate the rights, freedoms and legal interests of citizens, and has the right to carry out his or her own investigations. This practice is indicative of the upward trend in the number of communications from citizens to the Office of the Human Rights Commissioner. During the period 1995-1999, 9,880 communications and complaints from citizens were received for consideration by the Ombudsman; during the period 2000-2005, the figure was around 30,000. In order to ensure broader public participation in protecting the rights and interests of citizens and to increase public awareness of the activities of the Ombudsman, representatives of the Human

Unfounded allegations made by IHF	*Comments of Uzbekistan*
	Rights Commissioner are active in the regions. Expert groups have now been formed within the regional offices of the Ombudsman.
9. IHF calls on the European Union and the rest of the international community to approach the Government of Uzbekistan about the situation of human rights defenders as a matter of priority and to take urgent, coordinated and sustained action to put pressure on the Uzbek Government to end its persecution of those engaged in legitimate activities to promote respect for international human rights standards. The repression of human rights defenders and other opponents of the regime should be systematically raised in European Union dialogues with the Uzbek Government and any further weakening or lifting of the Union's sanctions imposed on Uzbekistan in late 2005 should be made conditional on concrete progress with respect to the opportunities of human rights activists to carry out their work.	Uzbekistan has an interest in the development and strengthening of relations with the European Union at all levels of interaction, on the basis of the principles of equitable cooperation and non-interference in internal affairs. The development of relations between the European Union and Uzbekistan is clearly in the interests of Uzbekistan and the member States of the Union. Any cooperation should be based on the "two-way street" principle. The "language of sanctions and resolutions" is not conducive to the establishment of a constructive partnership. However, in recent years, a number of countries, exploiting the human rights agenda, have made active use of the subsidiary bodies and specialized agencies of the United Nations, including the Human Rights Council, to exert political pressure on Uzbekistan. Using the legal mechanisms and special procedures of the United Nations, these countries groundlessly accuse the Uzbek Government of human rights violations.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
1. Address the persecution of human rights defenders and other pressing human rights concerns as a matter of priority in interactions with Uzbekistan, making clear to the Uzbek Government that its human rights policies and practices will continue to have implications for mutual relations.	Uzbekistan considers that attempts to politicize the topic of human rights and apply double standards to independent States are absolutely unacceptable. The use of human rights issues as a pretext to interfere in the internal affairs of States is aimed at undermining the existing system of international relations and constitutes a disregard for the fundamental norms of international law and the principles of the Charter of the United Nations. Uzbekistan has an interest in the development and strengthening of relations with the European Union at all levels of interaction, on the basis of the principles of equitable cooperation and non-interference in internal affairs. Any cooperation should be based on the "two-way street" principle. The "language of

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	sanctions and resolutions" is not conducive to the establishment of a constructive partnership.
2. Raise human rights issues as an essential and integral part of all political discussions conducted with the Uzbek Government and ensure that such issues are not relegated solely to the planned dialogue between the European Union and Uzbekistan on human rights, which also must not be allowed to become an excuse for watering down the European Union sanctions against Uzbekistan currently in place.	Since the first days of independence, the Government of the Republic of Uzbekistan has proclaimed its commitment to human rights and principles of State sovereignty, affirmed its loyalty to the ideals of democracy and social justice, recognized the primacy of universally accepted norms of international law, striven to ensure a life of dignity for Uzbek citizens and aimed to create a humane, democratic State based on the rule of law and to ensure civil peace and national harmony. Using all the resources and capabilities available to it, the Government of Uzbekistan is working consistently and systematically to implement the ligations it has undertaken in the framework of both international and regional organizations.
3. As a minimum, retain the sanctions imposed on Uzbekistan in late 2005 beyond the period currently foreseen and, preferably, strengthen the sanctions so as to extend the ban on travel to the European Union to Uzbek President Islam Karimov and other top Government officials and to impose European Union-wide measures to freeze the assets of all the officials on the visa ban list (as recommended by the European Parliament in its resolution on Uzbekistan adopted on 26 October 2006).	At the present time, when dialogue between Uzbekistan and the European Union on all bilateral cooperation issues, including human rights, has been established and is progressing successfully, such statements by IHF seem provocative, to say the least. Uzbekistan believes that its cooperation with the European Union should be based on the "two-way street" principle, and that the "language of sanctions and resolutions" is not conducive to the establishment of a constructive partnership.
4. Make any weakening or lifting of the sanctions conditional on concrete human rights progress in the light of the criteria spelled out in the initial sanctions decision adopted by the EU Council on 3 October 2005, and formulate and pursue specific benchmarks to this end.	Since the first days of independence, Uzbekistan has of its own volition been implementing a targeted policy to revive the spiritual, intellectual and legal values of the people and has been making efforts to implement democratic reforms in the economic, political and social spheres. It has developed its own path of State reform and its own model for the transition from an authoritarian regime to a democratic society, and has identified specific areas of activity with regard to the protection and promotion of human rights. The Constitution enshrines the primacy of human rights and the rule of law in all spheres of civic life in Uzbekistan and the precedence of the universally recognized principles and norms of international law over national legislation.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	The Uzbek Government abides by the principle of the supremacy of human interests and does all in its power to uphold the universally recognized rights and freedoms of its citizens.
The European Union should in particular demand that the Uzbek Government:	The recommendation of IHF is groundless, for the reasons set out below.
(a) End the ongoing crackdown on human rights defenders, political opponents, independent journalists and others involved in legitimate activities to hold the Uzbek authorities accountable for their international human rights obligations, and also end such action against their relatives	In Uzbekistan, as in all democratic countries, everyone has the right to freedom and personal safety, as set out in national law. No one may be arrested or detained except on the basis of the law. However, there are certain people who, having committed crimes, exploit the human rights agenda and falsely call themselves "human rights defenders" in order to pursue their own mercenary goals and deliberately distort the actual situation in the country. Not only are such individuals indifferent to people's needs, but they also discredit the very concept of human rights defenders and hide behind that title.
(b) Promptly release all activists and their relatives who have been imprisoned or forcibly detained in psychiatric institutions on politically motivated grounds	In certain political circles, attempts are being made to create the impression within the international community that human rights violations are being committed in Uzbekistan. Those involved use the tactic of claiming that persons charged with criminal offences are in fact suffering persecution by the authorities because of their political convictions.
(c) Allow local and international NGOs to operate without government interference and undue restrictions, including by ensuring that all NGOs can obtain registration or re-registration through an uncomplicated and transparent process and revoking the ban on the activities of unregistered groups	In Uzbekistan, the activities of NGOs are supported and guaranteed by the State. A sound legal basis for their activities has been established. The Uzbek Constitution enshrines the guarantees extended by the State to NGOs, which act as a unique bridge between the State and society. Currently there are over 5,000 NGOs, including international NGOs, operating in Uzbekistan. Among these are the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, and others.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	Uzbekistan considers that civil-society institutions should serve to reinforce the ideas that have historically been characteristic of the Uzbek people, such as tolerance and harmony among peoples, religions and cultures. In Uzbekistan, however, as in most countries, the rule of law is paramount. This applies also to non-governmental organizations, if they commit egregious or deliberate breaches of their own statutes or the rules governing their activities in the territory of the Republic of Uzbekistan. When the constituent and other documents of a non-governmental organization run counter to the requirements of Uzbek law, in particular the Non-Governmental Non-Profit Organizations Act, the Voluntary Associations Act, the Political Parties Act, the Public Foundations Act or the regulations governing applications for registration of the statutes of voluntary associations operating in the territory of the Republic of Uzbekistan, that organization may be refused registration. An appeal against such a decision may be duly lodged before any of a number of courts.
(d) Grant immediate access to United Nations special representatives who have requested to visit the country, including the Special Representative of the Secretary-General on human rights defenders and the independent expert on the situation of human rights in Uzbekistan appointed under the 1503 procedure.	Uzbekistan cooperates fully with United Nations special procedures, in accordance with their constituent instruments, which call upon the Governments of States Members of the United Nations to cooperate with the special procedures, to assist them in the performance of their tasks and to furnish any information requested. In 2002, Uzbekistan became the first CIS country to invite the Special Rapporteur on torture to visit. Expressing its willingness to cooperate with the special procedures, in accordance with their constituent instruments, Uzbekistan regularly provides exhaustive information on the human rights situation in Uzbekistan and responds to all communications that it receives from the special procedures.
5. Actively implement the European Union Guidelines on Human Rights Defenders in relation to Uzbekistan and increase political, moral, financial and other forms of support to human rights defenders in the country. European Union member States should, inter alia, maintain close contact with human rights groups,	Uzbekistan strictly abides by its obligations under the major international human rights instruments. Its Parliament has adopted over 300 laws on civil, political, economic, social and cultural rights, which fully implement the universally recognized principles and norms of international human rights law.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
provide visible recognition to human rights activists, raise individual cases of persecution of human rights defenders and address relevant démarches to the Uzbek Government on this issue.	Even the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms clearly states that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State. Furthermore, pursuant to the aforementioned Declaration, domestic law is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.
6. Work closely together with international and local NGOs to elaborate and implement strategies for responding to the situation of human rights defenders in the country and to provide concrete assistance to defenders at risk, such as legal and medical assistance and evacuation, safe relocation and temporary residence in emergency cases.	Uzbekistan is pursuing a policy of social partnership to promote the gradual development of civil-society institutions. As a result, non-governmental non-profit organizations are rapidly developing and participating in the decision-making process, thereby playing a vital role in the democratization of society. The non-governmental non-profit organizations working in the field of human rights in Uzbekistan include the Uzbek Committee for the Protection of the Rights of Individuals, the Uzbek branch of the international organization Human Rights Watch, the Centre for the Study of Human Rights and Humanitarian Law, the Independent Human Rights Organization of Uzbekistan, the Ezgulik Human Rights Association of Uzbekistan, the Democracy and Human Rights Institute, the Bar Association, the Judges' Association, the Centre for the Study of Public Opinion and the Centre for the Support of Independent Candidates.
7. Continue to insist that an independent international investigation be undertaken into the Andijan events and support the use of the Moscow mechanism of OSCE as a complementary tool to clarify these events as well as subsequent developments in Uzbekistan.	This recommendation of IHF is unlawful. In accordance with the norms of international law, international investigations are carried out only when the State itself requests such an investigation, on the grounds that its own authorities lack the competence to conduct one, or in the event of the collapse of the State, or if the situation which has arisen directly affects the maintenance of international peace and security.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	Uzbekistan prepared a report setting out the findings of the investigation into the terrorist acts in Andijan, which was sent to the relevant European entities in mid-August 2006. Specifically, it was sent to the foreign ministries of Finland (then President of the European Union), Germany (next President of the European Union) and Belgium (then holder of the OSCE Chairmanship). From 11 to 15 December 2006, a delegation of European Union experts visited Uzbekistan, primarily for the purpose of discussing the report. Meetings were organized at the Office of the Procurator-General, during which the European experts were shown the entire body of evidence on the terrorist acts. In addition, meetings were held with convicted persons and lawyers, and the scene of the events in Andijan was visited. As a result of the visit, the European Union delegation came to the clear conclusion that in Andijan a serious, premeditated and carefully planned armed attack had been made against the Uzbek Government. It was also noted that, in their reports on the events, human rights organizations had focused mainly on the aftermath of the terrorist acts and less on the assault by the militants.
8. Use the mechanisms available under the United Nations Human Rights Council to press for public scrutiny by the Council of the situation in Uzbekistan instead of using the confidential 1503 procedure.	The Uzbek Government abides by the principle of the supremacy of human interests and does all in its power to uphold the universally recognized rights and freedoms of its citizens. A dynamic and constructive dialogue on human rights issues is under way with United Nations institutions and with other international, intergovernmental and non-governmental organizations. Uzbekistan attaches great importance to international cooperation on the protection and promotion of human rights. At the same time, it considers that attempts to politicize the topic of human rights and apply double standards to certain States Members of the United Nations are absolutely unacceptable. The use of human rights issues as a pretext to interfere in the internal affairs of States is aimed at undermining the existing system of international relations and constitutes a disregard for the fundamental norms of international law and the principles of the Charter of the United Nations.

Groundless recommendations made by IHF to the member States of the European Union	*Comments of Uzbekistan*
	This is precisely how we may view the attempts by several States to use United Nations mechanisms, including the Human Rights Council, and the human rights agenda to exert political pressure on sovereign States, thus undermining the authority of the Organization, whose mission it is to uphold the ideals of equality, justice and peace. Uzbekistan believes that discussions of human rights issues should be conducted on the basis of equality and respect and should serve to bring countries together and foster constructive cooperation on humanitarian affairs, with due consideration of regional characteristics and the ethnic, cultural, religious and historical traditions of States. Considering the foregoing, and given the substantial efforts being made by the Uzbek Government to protect and promote human rights in Uzbekistan and to foster international cooperation in this area, Uzbekistan sees no grounds for scrutiny of the country's human rights situation and calls for an end to discussion of the issue within the framework of the Human Rights Council.